



PATENT APPLICATION  
ATTORNEY DOCKET NO.: 1285-0060US  
ALC-135717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: §  
§  
Barnard et al. §  
§  
Serial No.: 10/016,677 § Art Unit: Unassigned  
§  
Filed: December 10, 2001 § Examiner: Unassigned

For: FAILOVER APPARATUS AND METHOD FOR AN ASYNCHRONOUS DATA  
COMMUNICATION NETWORK

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

"EXPRESS MAIL" Mailing Label No.: EL000622257US  
Date of Deposit: March 13, 2002

Dear Sir:

PETITION UNDER 37 C.F.R. §1.47(a)

This is a petition under 37 C.F.R. §1.47(a) for the Office to accept the above-identified patent application on behalf of the signing joint inventors Jeff Barnard and Dieter Nattkemper, and the joint inventors, Venkataraman Anand, Hanna Boulos, and Sundara Murugan, who cannot be found or reached after diligent effort.

The declarations of all of the available inventors, Jeff Barnard and Dieter Nattkemper, are filed herewith. Per MPEP §409.03(a)(A), Applicant respectfully requests that the Office treat the partially-signed declarations with the blank signature

blocks of the unavailable inventors as a declaration by all the available joint inventors on behalf of the unavailable joint inventors.

Accompanying this Petition is Proof Under MPEP §409.03(d) of the unavailability of the aforementioned inventors Venkataraman Anand, Hanna Boulos, and Sundara Murugan.

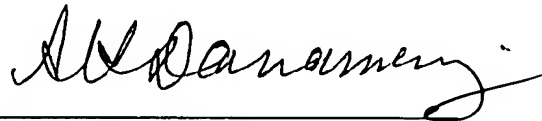
The last known address of Venkataraman Anand is: 7449 Maximillian Place, Rohnert Park, CA 94928.

The last known address of Hanna Boulos is: 5727 B Davis Circle, Rohnert Park, CA 94928.

The last known address of Sundara Murugan is: 4967 Filament Street, Rohnert Park, CA 94928.

The enclosed check for \$1348.00 covers the requisite petition fee as set forth in 37 C.F.R. §1.17(i).

Respectfully submitted,



Shreen K. Danamraj  
Registration No. 41,696

Dated: March 13, 2002

SMITH, DANAMRAJ & Youst, P.C.  
12900 Preston Road, Suite 1200, LB-15  
Dallas, Texas 75230  
(972) 720-1202, ext. 228



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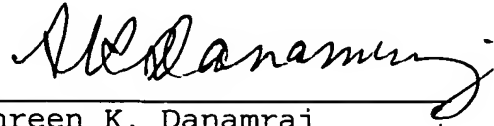
Dear Sir:

PROOF UNDER MPEP §409.03(d)

The proof that the inventors of the above-referenced application, Venkataraman Anand, Hanna Boulos, and Sundara Murugan, cannot be found or reached after diligent effort comprises the three declarations of Shreen K. Danamraj, which are attached hereto as Exhibits 1-3.

PATENT APPLICATION  
ATTORNEY DOCKET NO.: 1285-0060US  
ALC-135717

Respectfully submitted,



Shreen K. Danamraj  
Registration No. 41,696

Dated: March 13, 2002

SMITH, DANAMRAJ & Youst, P.C.  
12900 Preston Road, Suite 1200, LB-15  
Dallas, Texas 75230  
(972) 720-1202, ext. 228

EXHIBIT 1



PATENT APPLICATION  
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Filed: December 10, 2001 § Examiner: Unassigned

For: FAILOVER APPARATUS AND METHOD FOR AN ASYNCHRONOUS DATA  
COMMUNICATION NETWORK

DECLARATION OF SHREEN K. DANAMRAJ

I, Shreen K. Danamraj, of Dallas, Texas hereby declare that:

1. I serve as outside counsel for Alcatel USA, Inc., having a place of business at 1000 Coit Road, M/S LEGL2, Plano, Texas 75075 (hereinafter referred to as "Alcatel") in certain matters before the United States Patent and Trademark Office.

2. Upon information and belief, Mr. Venkataraman Anand's last known address is known to be: 7449 Maximillian Place, Rohnert Park, CA 94928.

3. On February 20, 2002, I sent to Mr. Anand's last known address, via Certified Mail - Return Receipt Requested, a package which included a copy of the above-referenced patent application, a Combined Declaration and Power of Attorney, and an accompanying letter requesting that Mr. Anand review the application and sign and return the Combined Declaration and Power of Attorney to my office. A copy of the letter is attached hereto as Exhibit 1A.

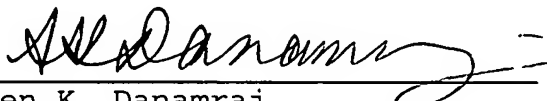
4. Sometime in late February or early March, 2002, the United States Postal Service returned the package to me. A copy of the envelope that contained the package is attached hereto as Exhibit 1B.

5. As of the date of this declaration, I have been unable to find or reach Mr. Anand.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal on the date indicated below.

EXECUTED at Dallas County, Texas, on this 13th day of March, 2002.

  
\_\_\_\_\_  
Shreen K. Danamraj

State of Texas                   §  
   §  
County of Dallas               §

BEFORE ME, the undersigned authority, on this day personally appeared Shreen K. Danamraj known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 13th day of March, 2002.

  
\_\_\_\_\_  
Notary Public-State of Texas

[SEAL]

My Commission Expires:



EXHIBIT 1A



# SMITH, DANAMRAJ & YOUST

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS  
INTELLECTUAL PROPERTY & RELATED MATTERS

12900 PRESTON ROAD, SUITE 1200, LB 15  
DALLAS, TEXAS 75230-1328

STEVEN W. SMITH  
SHREEN K. DANAMRAJ  
LAWRENCE R. YOUST

TEL (972) 720-1202  
FAX (972) 720-1139  
EMAIL: SHREEN@SDYLAW.COM



February 20, 2002

*Via Certified Mail – Return Receipt Requested*  
7001 0320 0004 4020 3411

**CONFIDENTIAL AND PRIVILEGED**

Mr. Venkataraman Anand  
7449 Maximillian Place  
Rohnert Park, CA 94928

Re:	Patent Application For:	<i>FAILOVER APPARATUS AND METHOD FOR AN ASYNCHRONOUS DATA COMMUNICATION NETWORK</i>
	Inventor(s):	Jeff Barnard, Venkataraman Anand, Hanna Boulos, Sundara Murugan, and Dieter Nattkemper
	Our Ref. No.:	1285-0060US
	Alcatel Ref. No.:	135717US
	Serial No.:	10/016,677
	Filing Date:	December 10, 2001

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Dear Mr. Anand:

We are an intellectual property law firm in Dallas and represent Alcatel USA in various patent matters. Enclosed herewith for your review is a copy of the above-referenced patent application which was filed with the U.S. Patent and Trademark Office (PTO) on December 10, 2001. Please be advised that this application is the subject of a patent matter recently transferred to our law firm by Alcatel USA, and was originally prepared by the attorneys from Fliesler, Dubb, Myer and Lovejoy, LLP, a California law firm. The present patent application is identical to the original patent application, and claims priority from the 12/11/2000 filing of the original patent application. Please also note that whereas the original patent application included Jason Dove as one of the co-inventors, we have deleted his name from the inventorship in accordance with his recent instructions to us relative to this matter.

Upon review of the application, please sign the enclosed *Combined Declaration and Power of Attorney* and *Assignment* documents, and return the entire package to me for filing with the PTO. Please note that your signature on the *Assignment* instrument must be notarized.

Further, pursuant to Patent and Trademark Office rules, a statement must be submitted disclosing to the Office all presently known information believed material to the examination of the above-referenced patent application. Information is considered material if there is a substantial likelihood that the information would be considered important in deciding patentability.

Mr. Venkataraman Anand

Re: Alcatel USA, Inc.  
U.S. Patent Application  
For: Failover Apparatus and Method for an Asynchronous Data Communication Network  
1285-0060US  
135717US

Page 2

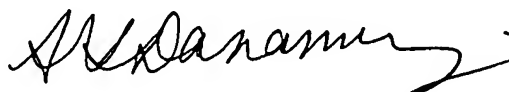
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Accordingly, please send for our review all presently known patents, publications, or other published materials relating to the subject invention. You are not required, however, to do any research to locate information that is not already known to you. Accurate and complete disclosure of material information facilitates the examination phase of the application, and most importantly, strengthens the presumption of validity accorded to any patent issuing thereon.

In view of the due dates imposed by the PTO, please return the signed *Combined Declaration and Power of Attorney* document and the signed and notarized *Assignment* document to our offices by *March 8, 2002*. For your convenience, I have enclosed a prepaid Federal Express envelope.

We appreciate your continuing cooperation. If you have any questions concerning the submission of material information or the present patent application, please do not hesitate to call me.

Yours very truly,



Shreen K. Danamraj

Enclosures

cc: V. Lawrence Sewell, Esq.

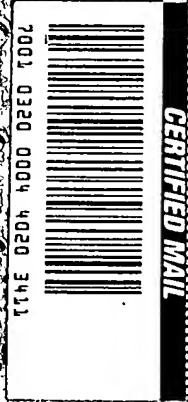
EXHIBIT 1B



1205-00-003	
SENDER: COMPLETE THIS SECTION	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	
1. Article Addressed to:	
Mr. Venkataraman Anand 7449 Maximillian Place Rohnert Park, CA 94928	
2. Article Number (Copy from service label) 7001 0320 0004 4020 3411	
PS Form 3811, July 1999 Domestic Return Receipt 102585-00-M-0852	

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

SMITH, DANAMRAJ & YOST, P.C. NORTH DALLAS BANK TOWER, SUITE 1200 12900 PRESTON ROAD, LB-15 DALLAS, TEXAS 75230-1328 • (972) 720-1202	Mr. Venkataraman Anand 7449 Maximillian Place Rohnert Park, CA 94928
ANAND 94928092 1800 11 02/27/02 FORWARD TIME EXP KIN TO SEND ANAND 604 TULARE ST PITALUMA CA 94954-8537	
RETURN TO SENDER	



## EXHIBIT 2



PATENT APPLICATION  
ATTORNEY DOCKET NO.: 1285-0060US  
ALC-135717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: §  
§  
Barnard et al. §  
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Serial No.: 10/016,677 § Art Unit: Unassigned  
§  
Filed: December 10, 2001 § Examiner: Unassigned

For: FAILOVER APPARATUS AND METHOD FOR AN ASYNCHRONOUS DATA  
COMMUNICATION NETWORK

DECLARATION OF SHREEN K. DANAMRAJ

I, Shreen K. Danamraj, of Dallas, Texas hereby declare that:

1. I serve as outside counsel for Alcatel USA, Inc., having a place of business at 1000 Coit Road, M/S LEGL2, Plano, Texas 75075 (hereinafter referred to as "Alcatel") in certain matters before the United States Patent and Trademark Office.

2. Upon information and belief, Ms. Hanna Boulos's last known address is known to be: 5727 B Davis Circle, Rohnert Park, CA 94928.

3. On February 20, 2002, I sent to Ms. Boulos's last known address, via Certified Mail - Return Receipt Requested, a package which included a copy of the above-referenced patent application, a Combined Declaration and Power of Attorney, and an accompanying letter requesting that Ms. Boulos review the application and sign and return the Combined Declaration and Power of Attorney to my office. A copy of the letter is attached hereto as Exhibit 2A.

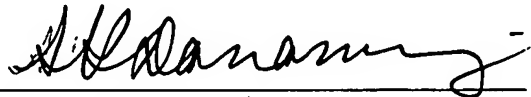
4. Sometime in late February or early March, 2002, the United States Postal Service returned the package to me. A copy of the envelope that contained the package is attached hereto as Exhibit 2B.

5. As of the date of this declaration, I have been unable to find or reach Ms. Boulos.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal on the date indicated below.

EXECUTED at Dallas County, Texas, on this 13th day of March, 2002.

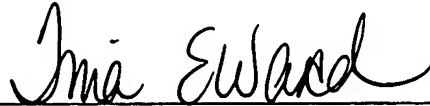


Shreen K. Danamraj

State of Texas                   §  
   §  
County of Dallas               §

BEFORE ME, the undersigned authority, on this day personally appeared Shreen K. Danamraj known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 13th day of March, 2002.



Notary Public-State of Texas

[SEAL]

My Commission Expires:



EXHIBIT 2A



# SMITH, DANAMRAJ & YOUST

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS  
INTELLECTUAL PROPERTY & RELATED MATTERS

12900 PRESTON ROAD, SUITE 1200, LB 15  
DALLAS, TEXAS 75230-1328

STEVEN W. SMITH  
SHREEN K. DANAMRAJ  
LAWRENCE R. YOUST

TEL (972) 720-1202  
FAX (972) 720-1139  
EMAIL: SHREEN@SDYLAW.COM



February 20, 2002

*Via Certified Mail – Return Receipt Requested*  
7001 0320 0004 4020 3381

**CONFIDENTIAL AND PRIVILEGED**

Ms. Hanna Boulos  
5727 B Davis Circle  
Rohnert Park, CA 94928

Re:	Patent Application For:	<i>FAILOVER APPARATUS AND METHOD FOR AN ASYNCHRONOUS DATA COMMUNICATION NETWORK</i>
	Inventor(s):	Jeff Barnard, Venkataraman Anand, Hanna Boulos, Sundara Murugan, and Dieter Nattkemper
	Our Ref. No.:	1285-0060US
	Alcatel Ref. No.:	135717US
	Serial No.:	10/016,677
	Filing Date:	December 10, 2001

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Dear Ms. Boulos:

We are an intellectual property law firm in Dallas and represent Alcatel USA in various patent matters. Enclosed herewith for your review is a copy of the above-referenced patent application which was filed with the U.S. Patent and Trademark Office (PTO) on December 10, 2001. Please be advised that this application is the subject of a patent matter recently transferred to our law firm by Alcatel USA, and was originally prepared by the attorneys from Fliesler, Dubb, Myer and Lovejoy, LLP, a California law firm. The present patent application is identical to the original patent application, and claims priority from the 12/11/2000 filing of the original patent application. Please also note that whereas the original patent application included Jason Dove as one of the co-inventors, we have deleted his name from the inventorship in accordance with his recent instructions to us relative to this matter.

Upon review of the application, please sign the enclosed *Combined Declaration and Power of Attorney* and *Assignment* documents, and return the entire package to me for filing with the PTO. Please note that your signature on the *Assignment* instrument must be notarized.

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Ms. Hanna Boulos

Re: Alcatel USA, Inc.  
U.S. Patent Application  
For: Failover Apparatus and Method for an Asynchronous Data Communication Network  
1285-0060US  
135717US

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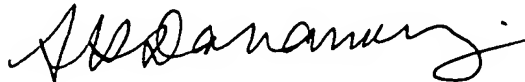
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We appreciate your continuing cooperation. If you have any questions concerning the submission of material information or the present patent application, please do not hesitate to call me.

Yours very truly,



Shreen K. Danamraj

Enclosures

cc: V. Lawrence Sewell, Esq.

EXHIBIT 2B

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Ms. Hanna Boulos  
5727 B Davis Circle  
Rohnert Park, CA 94928

**2. Article Number (Copy from service label)**  
7001 0320 0004 4020 3381

PS Form 3811, July 1999

Domestic Return Receipt

102565-00-M-0952

**COMPLETE THIS SECTION ON DELIVERY****A. Received by (Please Print Clearly)** **B. Date of Delivery****C. Signature**

X

☐ Agent☐ Addressee**D. Is delivery address different from item 1?**☐ Yes

If YES, enter delivery address below:

☐ No**3. Service Type**☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.**4. Restricted Delivery? (Extra Fee)**☐ Yes

Ms. Hanna Boulos  
5727 B Davis Circle  
Rohnert Park, CA 94928

**SMITH, DANAMRAJ & YOST, P.C.**

NORTH DALLAS BANK TOWER, SUITE 1200  
12900 PRESTON ROAD, LB-15  
DALLAS, TEXAS 75220-1328 • (972) 720-1202

1. Has delivery address been changed? ☐ Yes ☒ No  
2. If YES, what is the new address? ☐ Yes ☒ No  
3. If YES, what is the new address? ☐ Yes ☒ No  
4. If YES, what is the new address? ☐ Yes ☒ No  
5. If YES, what is the new address? ☐ Yes ☒ No  
6. If YES, what is the new address? ☐ Yes ☒ No  
7. If YES, what is the new address? ☐ Yes ☒ No  
8. If YES, what is the new address? ☐ Yes ☒ No  
9. If YES, what is the new address? ☐ Yes ☒ No  
10. If YES, what is the new address? ☐ Yes ☒ No

7001 0320 0004 4020 3381

**CERTIFIED MAIL**

Return Receipt Requested

EXHIBIT 3



PATENT APPLICATION  
ATTORNEY DOCKET NO.: 1285-0060US  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DECLARATION OF SHREEN K. DANAMRAJ

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal on the date indicated below.

EXECUTED at Dallas County, Texas, on this 13th day of March, 2002.

  
\_\_\_\_\_  
Shreen K. Danamraj

State of Texas                   §  
  §  
County of Dallas               §

BEFORE ME, the undersigned authority, on this day personally appeared Shreen K. Danamraj known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 13th day of March, 2002.

  
\_\_\_\_\_  
Notary Public-State of Texas

[SEAL]

My Commission Expires:



EXHIBIT 3A





JEFF W. SMITH  
SHREEN K. DANAMRAJ  
LAWRENCE R. YOUST

# SMITH, DANAMRAJ & YOUST

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS  
INTELLECTUAL PROPERTY & RELATED MATTERS

12900 PRESTON ROAD, SUITE 1200, LB 15  
DALLAS, TEXAS 75230-1328

TEL (972) 720-1202  
FAX (972) 720-1139  
EMAIL: SHREEN@SDYLAW.COM

February 20, 2002

*Via Certified Mail – Return Receipt Requested*  
7001 0320 0004 4020 3398

**CONFIDENTIAL AND PRIVILEGED**

Mr. Sundara Murugan  
4967 Filament St.  
Rohnert Park, CA 94928

Re:	Patent Application For:	<i>FAILOVER APPARATUS AND METHOD FOR AN ASYNCHRONOUS DATA COMMUNICATION NETWORK</i>
	Inventor(s):	Jeff Barnard, Venkataraman Anand, Hanna Boulos, Sundara Murugan, and Dieter Nattkemper
	Our Ref. No.:	1285-0060US
	Alcatel Ref. No.:	135717US
	Serial No.:	10/016,677
	Filing Date:	December 10, 2001

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Dear Mr. Murugan:

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Mr. Sundara Murugan

Re: Alcatel USA, Inc.  
U.S. Patent Application  
For: Failover Apparatus and Method for an Asynchronous Data Communication Network  
1285-0060US  
135717US

Page 2

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We appreciate your continuing cooperation. If you have any questions concerning the submission of material information or the present patent application, please do not hesitate to call me.

Yours very truly,



Shreen K. Danamraj

Enclosures

cc: V. Lawrence Sewell, Esq.

EXHIBIT 3B



1285-506005

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<b>A. Received by (Please Print Clearly)</b> <b>B. Date of Delivery</b>	
<b>1. Article Addressed to:</b>  Mr. Sundara Murugan 4967 Filament St. Rohnert Park, CA 94928		<b>C. Signature</b>  X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
<b>2. Article Number (Copy from service label)</b> 7001 0320 0004 4020 3398		<b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
<b>3. Service Type</b> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		<b>4. Restricted Delivery? (Extra Fee)</b> <input type="checkbox"/> Yes	

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0552

SMITH, DANAMRAJ & YOST, P.C.  
NORTH DALLAS BANK TOWER, SUITE 1200  
12900 PRESTON ROAD, LB-15  
DALLAS, TEXAS 75230-1328 • (972) 720-1202

~~Mr. Sundara Murugan  
4967 Filament St.  
Rohnert Park, CA 94928~~

not this @

DATE RECEIVED BY  
DATE RETURNED BY  
DATE SIGNED BY  
DATE STAMPED BY  
DATE SIGNED BY  
DATE STAMPED BY  
DATE SIGNED BY  
DATE STAMPED BY

Return Receipt Requested



CERTIFIED MAIL



PATENT APPLICATION  
ATTORNEY DOCKET NO.: 1285-0060US  
ALC-135717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: §  
§  
Barnard et al. §  
§  
Serial No.: 10/016,677 § Art Unit: Unassigned  
§  
Filed: December 10, 2001 § Examiner: Unassigned

For: FAILOVER APPARATUS AND METHOD FOR AN ASYNCHRONOUS DATA  
COMMUNICATION NETWORK

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

"EXPRESS MAIL" Mailing Label No.: EL000622257US  
Date of Deposit: March 13, 2002

Dear Sir:

SUBMISSION OF SUBSTITUTE FORMAL DRAWINGS IN COMPLIANCE  
WITH 37 C.F.R. §1.84

This is a submission in response to the Notice to File Missing Parts of Nonprovisional Application mailed January 14, 2002, a copy of which is attached hereto, due for reply by March 14, 2002.

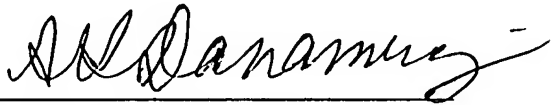
Twelve sheets (FIGS. 1-16) of substitute formal drawings are submitted herewith for the Examiner's approval and acceptance. The substitute formal drawings are believed to be in compliance with 37 C.F.R. §1.84 as required by the Office. No new matter is added by way of the substitute formal drawings.

PATENT APPLICATION  
ATTORNEY DOCKET NO.: 1285-0060US  
ALC-135717

The Commissioner is hereby authorized to charge any comparison fees associated with this submission to our Deposit Account 03-1130.

Respectfully submitted,

Dated: March 13, 2002

  
Shreen K. Danamraj  
Registration No. 41,696

SMITH, DANAMRAJ & YOUST, P.C.  
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